

**Special Magistrate Code Enforcement Minutes
February 3, 2009**

The one hundredth regularly scheduled meeting of the Special Magistrate was held on February 3, 2009, in the City Hall Commission Chamber. The meeting began at 2:00 p.m., with the Special Magistrate noting that the Minutes of the December 2, 2008 meeting had been read and approved.

Present: Archie O. Lowry, Jr., Special Magistrate, Cindy Jones, Recording Secretary and respondents were present.

Cindy Jones as a representative of the City was sworn in by the Special Magistrate.

SM-24-08 Ronald C. & Robert D. Day, 713 Mission Drive. Cindy Jones gave a history of the file involving overgrown vegetation. Robert C. Day and Ronald D. Day were present and sworn in. Robert Day testified that he lived in Georgia (about 400 miles away) and did not have control over the property even though he is co-owner. Robert Day requested reconsideration of the fines that have been assessed against the property.

Order for Reduction of Fine: Respondents shall pay a reduced fine of \$1,358.33 (representing the total of \$680.00 in costs incurred by the City of Wildwood re: SM-034-04 together with \$678.33 in costs associated with case numbers SM-034-04, SM-021-06, SM-022-08 and SM-024-08) to the City of Wildwood, 100 North Main Street, Wildwood, FL 34785 within 90 days from the date of this Order. After receipt of payment in the amount of \$679.17 (one-half of the reduced amount of \$1,358.33), the City of Wildwood shall release Lots 6 and 7, Block B, Mission Heights from the liens that are recorded by the City of Wildwood against parcel number G05G016.

The remaining half of the reduced fine in the amount of \$679.16 shall be paid within 180 days from the date of this Order to the City of Wildwood, 100 North Main Street, Wildwood, FL 34785.

Failure to pay the first half of the reduced fine within 90 days of the date of this Order or the remaining second half within 180 days from the date of this Order, shall result in the fines reverting to their total amount of \$12,678.33 plus the City of Wildwood incurred costs of \$680.00 for a total of \$13,358.33 less any amounts that may have been paid.

The recording costs of any release or satisfaction documents shall be paid by the Respondents.

SM-036-08 Jerry Means, 800 Peters Street. Cindy Jones gave a history of the file involving the location of sewer lines on an abutting property. Jerry Means was present and sworn in. Mr. Means stated that he could not do the required sewer line relocation because he had to use the money for that repair to evict his tenants. Mr. Means provided a letter from his attorney and copies of court documents as proof of the eviction. Mr. Means stated that the rental home is vacant at present. The Special Magistrate entered an Order of Fine and encouraged Mr. Means to make the repairs as soon as possible. Once the repairs have been made, the Special Magistrate advised Mr. Means that he could request a reduction of fine.

Order of Fine: Respondent shall pay a fine of \$25.00 per day commencing on February 3, 2009. Said fine shall continue to accrue at the rate of \$25.00 per day until such time as a permit is obtained for the relocation of the sewer line and the work is performed.

Respondent shall pay \$182.47 representing costs associated with the file to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785 within thirty(30) days of this Order.

SM-036-07 Suzanne M. Palmer, 618 Lee Street. Cindy Jones gave a history of the file involving overgrown vegetation, trash and debris and a dilapidated fence. No one was present to represent the respondent. Cindy Jones requested that pictures labeled Exhibit "A" be entered into the record. The request was granted.

Order of Fine: Respondent shall pay a fine of \$12,884.22 (September 11, 2007 through February 3, 2009, 500 days x \$25.00 per day) to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785. Said fine shall continue to accrue at the rate of \$25.00 per day until such time as the property comes into compliance.

Respondents shall contact the Building Services Department at 352/330-1330 extensions 119, 120 or 116 to advise that the property has been brought into compliance and request an inspection to verify same.

Respondents shall also pay costs associated with the file in the amount of \$384.22 to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785.

SM-045-08 Katherine Daves, 914 Powell Street. Cindy Jones gave a history of the file involving overgrown vegetation, trash and debris and missing emergency 911 numbers. No one was present to represent the respondent.

Order of Fine: Respondent shall pay a fine of \$950.00 (October 25, 2008 through December 2, 2008, 38 days x \$25.00 per day) plus costs associated with the file in the amount of \$146.02 for a total amount of \$1,096.02 to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785.

SM-408-08 Hallie Blair, vacant lot north of 909 Ida Street. Cindy Jones gave a history of the file involving trash and debris and dead trees. No one was present to represent the respondent. Cindy Jones advised that the property had been brought into compliance prior to the last hearing and requested an Order to Set Aside be entered.

Order to Set Aside: This cause having come on for hearing before the Special Magistrate on December 2, 2008 with the Respondent not being present and the Special Magistrate being fully advised of information contained in the file, it is hereby ORDERED and adjudged that the Order of Enforcement dated December 15, 2008, is hereby dissolved and set aside.

SM-048-08 Hallie Blair, vacant lot north of 909 Ida Street. Cindy Jones introduced the file involving trash and dead trees. No one was present to represent the respondent.

Order of Enforcement: Respondent shall be given ten (10) days within which to bring the property into compliance with City of Wildwood codes by mowing the overgrown vegetation and removing the trash and debris from the property.

Failure to bring the property into compliance with City of Wildwood codes shall result in a fine of \$25.00 per day commencing on the eleventh day and continuing to accrue at a rate of \$25.00 per day until such time as the property comes into compliance.

Respondent shall contact the Building Services Department at 352/330-1330 extensions 131, 120 or 116 to advise that the property has been brought into compliance and request an inspection to verify same.

Respondent shall pay costs associated with the file in the amount of \$74.41 to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785.

SM-056-08 Walter X & Norma G Novillo, 4989 SR 44, Lots 14 and 25. Cindy Jones gave a history of the file involving violations of building codes in two rental mobile homes. The case was coming back for hearing pursuant to an Order of Enforcement that was dated December 15, 2008. Cindy Jones advised the Special Magistrate that inspections had been performed pursuant to said Order of Enforcement. Walter Novillo was present and sworn in.

Mr. Novillo stated that he was currently working on lot 14, which would be ready within another ten days. Mr. Novillo advised that he had spent \$200.00 on lot 25 and that it was ready for final inspection.

Order of Enforcement: Respondents shall obtain licensed contractor(s) and obtain applicable permit(s) within ten days of the date of this Order. Respondent shall contact the Building Services Department at 352/330-1330, extensions 119, 120 or 116 to request inspections of work performed.

There shall be no occupancy of the mobile homes on lots 14 and 25.

This matter shall come back at the March 3, 2009 Special Magistrate hearing. Costs associated with the file shall be ruled on at that time.

SM-002-09 Louise Morrow, 503 Peters Street. Cindy Jones introduced the file involving an extensive pay pile. The City removed the pay pile to prevent further accumulation of trash and is seeking reimbursement of the removal expense. Cindy Jones requested that pictures marked Exhibit "A", "B" and "C" be entered into the record. The Special Magistrate granted the request.

No one was present to represent the respondent.

Order of Enforcement: Respondent shall pay the City of Wildwood, 100 North Main Street, Wildwood, FL 34785 the sum of \$335.58 representing the total of \$125.00 for removal of the trash and debris together with costs associated with the file in the amount of \$210.58 within thirty days of the date of this Order.

With no further business to discuss, the meeting was adjourned at 3:27 p.m.

CITY OF WILDWOOD SPECIAL MAGISTRATE

Archie O. Lowry, Jr.